

ROBERT C. HOPES, JR.,)
)
 Plaintiff,)
)
 vs.) **CIVIL NO. 07-cv-101-DRH**
)
 UNITED STATES DEPARTMENT)
 of JUSTICE, *et al.*,)
)
 Defendants.)

COUNT 1: Against Defendants Keys, Eberhart, Spence, Tepovich, Patterson, Edge and Shoff for use of excessive force.

COUNT 2: Against Defendants Hackleman, Hunt, Thomas and Samples for use of excessive force.

COUNT 3: Against Defendants Mash, Lewis, and Boaz for use of excessive force.

Rule 18(a) of the Federal Rules of Civil Procedure permits Plaintiff to assert all of his claims against one defendant in one civil action. Because none of these claims share a defendant in common, these claims must be brought as three separate actions. *See George v. Smith*, 507 F.3d 605, 607 (7th Cir. 2007).

Plaintiff is **ADVISED** that the Court is inclined to sever Count 2 and Count 3. If these claims are severed, they would be removed from this case and opened as two new cases. Two new case numbers would be assigned, and a separate \$350 filing fee would be assessed in each of those two new cases.

Because the imposition of additional filing fees may impose a financial burden on him, Plaintiff is **FURTHER ADVISED** that he may avoid severance (and the imposition of a second filing fee) by filing a motion to voluntarily dismiss Count 2 and Count 3 without prejudice within thirty (30) days of the date of this order. Before filing that motion, Plaintiff shall consider whether he could re-file the dismissed claims without running afoul of the applicable two-year statute of limitations.

If Plaintiff does not file a motion of voluntary dismissal within thirty days, Count 2 and Count 3 will be severed into separate actions, and Plaintiff will be required to pay the \$350 filing fee for each of those new cases.

IT IS SO ORDERED.

DATED: March 26, 2008.

/s/ David R Herndon
CHIEF JUDGE
UNITED STATES DISTRICT COURT